

### **REMARKS**

Claims 2-9, 11-13, 15-17, and 21-23 are now pending in the application. Claims 18-20 are cancelled. Claims 21-23 are new. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Applicant's representatives thank the Examiner for the courtesies extended during the telephone interview of February 1, 2006. The amendment adding paragraph 15.1 to the specification was discussed as well as the language of new claims 21-23. An agreement was not reached. The Examiner indicated a need to review Ferreira US Pat. Pub. No. 2001/0034661 A1, with regard to the claim amendments, and to review 37 CFR 1.57 and 1.78, with regard to the specification amendment.

The Examiner agreed to further discuss the application with Applicant's representatives after submission of this Amendment and after having reviewed the Ferreira reference and the applicable CFR's. As such, Applicant's representatives respectfully request the Examiner to contact Applicant's representatives at (248) 641-1245 at such time when the Examiner has made such review.

### **SPECIFICATION**

The amendments to the specification contained in the previous Amendment filed on August 8, 2005 stand objected to under 35 U.S.C. 132(a) as introducing new matter. Specifically, the previous Amendment filed on August 8, 2005 included an amended abstract and a new paragraph 15.1 of the specification. The specification amendments were not entered.

With regard to the amended abstract, Applicant has submitted a new Abstract (above). The new Abstract is supported by the specification and does not contain new matter, as discussed in more detail below with regard to the claims.

With regard to added paragraph 15.1 of the specification, the Examiner's objection is respectfully traversed. Paragraph 15.1 is a direct quote from Applicant's provisional application 09/754,136 filed January 5, 2001.

Paragraph 15.1 provides:

**[0015.1]** Virtual Window Shopping is always characteristic of a city or town streetscape or shopping mall storefront environment represented by a 3-D photographic or other graphic image having the ability to scroll and show movement, thereby having the appearance of and ability to provide "(Virtual) Window Shopping". Storefronts may be represented through three-dimensional ("3-D") photographs or graphically, and stitched together to form a city block or section of a shopping mall or plaza. This representation would have the ability to move the point of view from left to right (or reverse) to give the viewer an impression of walking down a street or strolling through a mall. Actual store window displays would be visible in the view, which would represent the actual display as found in the physical storefront, and may be updated as necessary.

The continuity information with regard to the provisional application was identified on the Application Data Sheet, dated August 7, 2001. Further, Applicant claimed the benefit of the provisional application in the Oath and Declaration of August 7, 2001.

Under 37 CFR 1.57(a), governing incorporation by reference, if a portion of the specification is "inadvertently omitted from an application, but the application contains ... a

claim under § 1.78 for the benefit of a prior-filed provisional ... application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification ... is completely contained in the prior filed application, **the claim under ... § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification...**” (emphasis added).

In this case, added paragraph 15.1 was “completely contained in the prior filed application,” i.e., the prior filed provisional application, as the added paragraph 15.1 is a direct quote from the prior filed provisional application.

Under 37 CFR 1.78(a)(5)(i), any nonprovisional application claiming the benefit of a prior filed provisional application must contain “a reference to each such prior-filed provisional application.” Under 37 CFR 1.78(a)(5)(iii), “the reference required by this paragraph must be included in an application data sheet (§1.76), or the specification must contain or be amended to contain such reference in the first sentence(s) following the title.”

The reference to the provisional application in this case was contained in the Application Data Sheet. Thus, the provisional application was incorporated by reference by virtue of 37 CFR 1.57. That being the case, the added paragraph 15.1, being completely contained in the prior filed provisional application, does not introduce new matter.

Applicant respectfully requests that the new matter objection to added paragraph 15.1 be withdrawn, and that the amendment to the specification be entered.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 18-20 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. This rejection is rendered moot by cancellation of Claims 18-20. New Claims 21-23, which comply with the written description requirement, are addressed below.

In rejecting Claims 18-20, the Examiner states that the words “lineally scrolling” and “a direction parallel” do not appear in the specification. Applicant disagrees with the Examiner’s requirement for explicit recitation of ordinary and well understood terms, which are taught and suggested by the examples in the specification and drawings as originally filed. In an effort to expedite prosecution of this application, however, new claims 21-23 have been submitted herewith and avoid the words “lineally scrolling” and “a direction parallel” in favor of language that is explicitly recited in the specification. The new claims recite Applicant’s invention in equivalent or broader scope than cancelled claims 18-20.

Claim 21 recites a method comprising transposing an actual image of a group of adjacent storefronts along a city block as a navigable image within an internet site and allowing a user to scroll a point of view of said navigable image left or right within said internet site by moving said point of view of said navigable image in a direction along said city block while maintaining said point of view directed toward said group of adjacent storefronts.

The specification, including added paragraph 15.1 and the drawings, contains a written description of the method recited by claim 21, as required by 35 U.S.C. § 112.

Paragraph 15.1 provides: "This representation would have the ability to move the point of view from left to right (or reverse) to give the viewer an impression of walking down a street or strolling through a mall. Actual store window displays would be visible in the view, which would represent the actual display as found in the physical storefront, and may be updated as necessary."

Figure 2 depicts a navigable image of a group of adjacent storefronts along a city block. Navigational buttons 41 allow the user to scroll a point of view of the navigable image. The navigational buttons 41 include a left arrow button marked "GO LEFT 1 BLOCK" and a right arrow button marked "TO RIGHT 1 BLOCK." When the user selects "GO LEFT 1 BLOCK" or "GO RIGHT 1 BLOCK", the point of view moves to the right or to the left along the block.

Paragraph 15 provides: "The site provides a series of command buttons 41 that the virtual shopper selectively manipulates to navigate the retail location. The command buttons 41 preferably include forward, left, right, zoom-in, zoom-out, help and any other command desired."

Paragraph 16 provides: "In an exemplary embodiment, the retail location 38 is the downtown area of an actual city. It will be appreciated, however, that the retail location 38 may vary and include a strip mall, a shopping mall, an outlet center, or the like. The site provides the virtual shopper with a region-based list or a region-based graphical display of retail locations 38."

Paragraph 17 provides: "The detailed graphical view of the retail location 38 includes an actual image of the retail location, which has been transposed as a navigable image within the site. Effectively, the virtual shopper sees the retail location

38 through an actual shopper's point-of-view, as if he/she were actually present at the retail location. The site enables the virtual shopper to virtually 'walk through' the retail location 38, using the command buttons 41, looking at images of actual retail shops within the retail location 38. As the virtual shopper navigates, the images scroll to provide the feel of walking through the retail location."

Based on the above written description, a full written description of the method recited by claim 21 is disclosed. The method recites transposing an actual image of a group of adjacent storefronts along a city block as a navigable image within an internet site. The method also recites allowing a user to scroll a point of view of said navigable image left or right within said internet site by moving said point of view of said navigable image in a direction along said city block while maintaining said point of view directed toward said group of adjacent storefronts.

With specific reference to Figure 2, when the user selects the left arrow button marked "GO LEFT 1 BLOCK" or the right arrow button marked "TO RIGHT 1 BLOCK," the point of view of the navigable image is scrolled to the left or the right. The point of view is moved in a direction along said city block while the point of view is maintained directed toward the group of adjacent storefronts.

Similar limitations are recited by amended claims 22 and 23. For the above reasons, the specification, including added paragraph 15.1 and the drawings, contains a written description of the methods recited by claims 22 and 23, as required by 35 U.S.C. § 112.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 2-9, 11-13, and 15-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ferreira US Pat. Pub. No. 2001/0034661 A1. These rejections are rendered moot by the Amendment and the cancellation of claims 18-20. However, in an effort to expedite prosecution, the prior art is discussed in relation to the new claims 21-23.

Applicant reiterates that pursuant to the Declaration of January 18, 2005, previously filed, Applicant completed the invention in this country prior to February 14, 2001, which is the effective date of U.S. Pat. Pub. No. US2001/0034661 to Ferreira. While the Examiner correctly points out that the Ferreira utility patent application claims the benefit of Ferreira's provisional patent application No. 60/182,282 filed February 14, 2000, to the extent the utility application includes new matter not disclosed in the provisional application, Applicant pre-dates the new matter not disclosed in the Ferreira's provisional application.

New Claim 21 recites a method comprising transposing an actual image of a group of adjacent storefronts along a city block as a navigable image within an internet site and allowing a user to scroll a point of view of said navigable image left or right within said internet site by moving said point of view of said navigable image in a direction along said city block while maintaining said point of view directed toward said group of adjacent storefronts. The Ferreira provisional application fails to teach or disclose the method recited by Claim 21.

The Ferreira provisional patent application discloses moving a camera around a fixed point, thereby allowing the user to pan the camera left, right, up or down to rotate

the camera around the fixed point. See page 5 of the Ferreira provisional patent application. Specifically, the Ferreira provisional application provides: “Web-surfers will be able to use their mouse (or the arrows on their keyboard) to move the camera around. Simply clicking on the image and holding down either the left or right mouse button will alter the camera’s perspective and create the appearance of movement. Camera functionality will include: pan left, pan right, pan up, and pan down, or any combination thereof, and zoom in and out.” Ferreira provisional application, pg. 5(emphasis added).

The camera movement described by Ferreira is “around” a fixed camera point. This is clear from the camera controls pan left, pan right, pan up, and pan down. In Ferreira, when the camera pans up, the camera simply tilts back and points upward, as opposed to the camera raising off the ground toward the sky. In Ferreira, when the camera pans down, the camera simply tilts forward and points downward, as opposed to the camera dropping down into the ground. Likewise, when the camera pans left or pans right, the camera simply rotates to the left or to the right from the viewer’s fixed location. This is not the function of the method recited by amended Claim 21.

As recited by Claim 21, a user scrolls a point of view of the navigable image left or right by moving the point of view in a direction along the city block while maintaining the point of view directed toward the group of adjacent storefronts. The Ferreira provisional application fails to teach scrolling a point of view left or right by moving the point of view in a direction along a city block while maintaining the point of view directed toward a group of adjacent storefronts. Therefore, the Ferreira provisional application fails to teach each and every element of amended Claim 21.



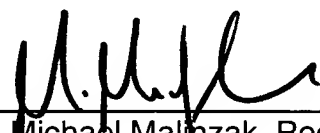
For reasons similar to those discussed above for claim 21, the prior art fails to teach each and every element of Claims 22 and 23.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: February 6, 2006

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